



MALAYSIA by Fatt-Hee Tie

Overview

Public schooling in Malaysia is centralized and funded by the government. The state-controlled public schools receive complete funding from the Federal government, responsible for funding the overall development of the system of public education. Besides financial control, the system of education in Malaysia is highly centralized in operation, since education is perceived to be an important instrument for nation building and national unity. A common national curriculum and national public examinations further promote a centralized and bureaucratized educational system. The need to promote national unity among the three major races – Malays, Chinese, and Indians – is the main reason for this centralism. The national system of education seeks to use the national language as the main medium of instruction, a national curriculum, and common public examinations to achieve this purpose. As a research study found:

For Malaysia, there are ample reasons – historical, geographical, economic, educational.....for the centralization of educational administration. But the overriding argument is the necessity to build a nation out of the diverse elements of race, language, culture, religion – a purpose that has been formulated in the educational policy set out in the Education Act, 1961....there can be no education in the country unless there is inter-racial harmony and stability in the country: all this depends ultimately on the attempts towards nation-building which the education policy emphasizes (Francis & Ee, 1975: 119).

The first attempt to rationalize the education system started in 1956. The comprehensive reform aimed at creating a uniform system of schools with a common national curriculum has been described as a daring initiative since schools were divided along racial lines (Musa, 2003).

The Federal Constitution proclaimed that all citizens have a constitutional right to education without any form of discrimination. Article 12 of the Federal Constitution (Federal

Constitution,2003) stated that there shall be no discrimination against any citizen based on religion, race, descent or place of birth in the administration of any educational institution maintained by a public authority, and, in particular, the admission of pupils or students or the payment of fees. The provision also states that there shall not be any form of discrimination in the provision out of the funds of a public authority of financial aid for the maintenance or education of pupils or students in any educational institution.

The Federal government also plans and charts the direction of the education policy of the country. The Minister of Education then directs the state education directors and local education authorities to implement the education policy in the schools. The Minister of Education possesses significant power to establish and maintain public primary and secondary schools. The Ministry of Education is a hierarchical organization that is bureaucratic and centralized in nature. Recent reforms to decentralize the education system as an alternative form of educational governance strive to transfer some autonomy to school principals to make decisions. This appears to allow schools to work more closely with the community and parent-teacher associations in line with UNESCO's emphasis on encouraging schools to involve the local community and other stakeholders to participate in decision-making.

The structure of schooling

The national education system includes pre-school education, primary education, secondary education, post-secondary education, and higher education (Section 15, Education Act 1996).

Pupils normally commence pre-school education from the ages of four to six (Section 2, Education Act 1996). Some may even start at an earlier age. Besides government pre-schools, the private sector is allowed to establish private pre-schools. The private entities are located mainly in the urban areas. It is mandatory to register all kindergartens (Section 20, Education Act 1996). The Minister of Education has the power to establish and maintain kindergartens as well as to determine their curriculum (Section 22 Education Act 1996). The Minister of Education has to approve the pre-school curriculum. The language of instruction in pre-schools can be the national language or another language. However, if it is another language, pre-schools must teach the national language as a compulsory subject.

There are eleven years of free education in Malaysia – six primary and five secondary. Since 2003, primary school education is compulsory. The term “free schooling” means that there are no tuition fees. However, parents have to pay other expenses for sports, extracurricular activities, books, transportation, uniforms, and lunches. Children start formal primary school at the age of seven. They spend six years at the primary school. Primary education covers a six years duration. However, children can complete their primary education within five years or seven years (Section 29 Education Act 1996). The Minister of Education has a legal obligation to provide primary education in government and government-aided primary schools (Section 27 Education Act 1996). The Minister of Education may establish national schools and national-type schools as well as to maintain them (Section 28 Education Act 1996).

Secondary education refers to education that consists of lower secondary and upper secondary education (Section 2 Education Act 1996). Pupils aged thirteen to fifteen years study for three years at the lower secondary level. They sit for a national public examination known as the Lower Secondary Assessment examination at the end of the third year of lower secondary school. After passing the examination, they enter the upper secondary level and study another two years in either the Science or Arts stream. Pupils begin to study in these two different streams at the age of sixteen. Some choose to apply to technical schools or the polytechnics.

The students sit for a further national public examination known as the Malaysia Certificate of Education examination at the end of the two years when they are seventeen years old. They continue to study at the post-secondary education level after passing the examination. Post-secondary education in school is two years in duration. They sit for another national examination called the Malaysia Higher School Certificate of Education examination at the end of the two years. Students with good grades are able to continue their study at the university.

The Minister of Education has a duty to provide secondary education in the following national secondary schools, namely, - academic secondary schools, technical secondary schools, and other secondary schools determined by the Minister of Education from time to time (Section 30 Education Act 1996). The Minister may provide upper secondary education in any national school (Section 30(2) Education Act 1996). In addition, the Minister may establish and maintain any of the schools in Section 30 of the Education Act 1996. The Minister may provide for a transition class in any academic national secondary school. A transition class provides one year of instruction to pupils from a primary school that used a language other than the national language as the medium of instruction before the start of the lower secondary education. The purpose is to strengthen the pupils' proficiency in the national language.

Post-secondary education comprises the national secondary schools, colleges, and other national secondary school or educational institution established and maintained by the Minister of Education (Section 33 Education Act 1996).

The other educational institutions are the colleges, special schools, and polytechnics. Technical education in national secondary schools and other educational institutions provides skill training, specialized training in a specific job, training for the upgrading of existing skills of pupils, and other technical or vocational training approved by the Minister of Education (Section 35 Education Act 1996). Polytechnics also grant certificates and diplomas. Primary and secondary schools also offer special education to special populations (Section 40 Education Act 1996). The Minister of Education has the power to prescribe the duration of and the curriculum on special education (Section 41 Education Act 1996).

Students who have completed the upper secondary education may continue to study at higher educational institutions. This type of educational institution provides higher education that leads to the award of a diploma or degree.

The legal framework

The Federal Constitution and the Education Act 1996 are two primary pieces of legislations that govern the system of education in Malaysia. The Federal Constitution sets out the right of individuals in respect to education. It guarantees the fundamental liberty of teachers and students in terms of equality before the law and equal protection of the law (Article 8 Federal Constitution); freedom of speech, assembly, and association (Article 10 Federal Constitution); freedom of religion (Article 11 Federal Constitution); and the status of teachers as employees of the public service, and their right to employment (Article 135 Federal Constitution). The Federal Constitution also maintains the status quo of the national language Malay, as the main medium of instruction in public schools (Article 152 Federal Constitution).

The Public Officers Regulations (Conduct and Discipline) (Chapter 'D') General Orders 1993 is another set of regulations that governs the professional conduct and discipline of teachers in public schools. The Ministry of Education also issues professional circulars that encompass school governance and management as well as the professional conduct of teachers from time to time.

Freedom to establish non-state schools

Non-state schools are usually private schools that do not receive aid from the government. Generally, private corporations and organizations enjoy some degree of freedom to establish these private educational institutions if they can adduce evidence to show that they can comply with the provisions contained in the Education Act 1996. Private organizations and organizations must obtain the approval of the Ministry of Education to establish non-state schools. Non-state schools must meet the requirement of the national curriculum as well as prepare pupils for the prescribed examinations (Section 74 Education Act 1996). The Minister of Education may make regulations to supervise, regulate, or control the standard of education in non-state schools (Section 76 Education Act 1996). It is mandatory for private schools to register with the Registrar General of Schools who has the authority to impose terms and conditions (Section 79 Education Act 1996). Private educational institutions have to satisfy a list of conditions to succeed in the application for registration. These conditions include keeping to standards of health and safety; the purpose of setting up the establishment; whether there are sufficient existing educational facilities nearby; and the qualification of the board of governors (Section 84 Education Act 1996). It is mandatory for private schools to register the governors and employees (Section 88 Education Act 1996), teachers (Section 103 Education Act 1996), and pupils (Section 98 Education Act 1996).

Non-state schools include international schools, which cater for children from the expatriates working in Malaysia. Generally, such schools do not allow Malaysians to register their children into these schools. An exception arise if parents can show proof that previously they have been residing or working overseas for a number of years, and that their children have studied in international schools or been educated overseas. The enrolment in non-state schools has increased as parents perceived that these schools provide a higher quality of education.

Homeschooling

Homeschooling is a relatively new concept in Malaysia. Although the Education (Amendment) Act 2002 has made it mandatory for parents to enroll their children in a primary school for six years, the Minister of Education has the discretion to exempt any pupils from this compulsory education. Parents can apply for exemption if their child is exceptionally gifted intellectually, physically disabled, the available schools are not able to meet this need, or, if the family members travel abroad frequently. Parents must ensure that the home-schooled children follow the national syllabus.

School distinctiveness protected by law

Malaysia is a multi-ethnic, multi-racial, and multi-lingual country. The population consists of three major races, that is, Malays, Chinese and Indians. The preservation of cultural identity associated with the freedom to use one's own mother tongue is an important issue. To some extent, the government has shown considerable commitment toward protecting and preserving the right of the different races to study their own native language in school.

The law also protects this multi-cultural and multi-linguistic distinctiveness of the three major races in school. Legislation helps to preserve the cultural identity of the minority indigenous races. In this instance, this gives rise to three distinct types of schools in Malaysia: - the national school, national-type school, and the national secondary school. Each school has its own unique peculiar identity and characteristics.

A national school can be a government or government-aided primary school. The school has the following characteristics: -

- (a) it provides primary education for pupils from the age of six years;
- (b) uses the national language, Malay as the main medium of instruction;
- (c) uses the English language as a compulsory subject of instruction;
- (d) made available the facilities for the teaching of the Chinese (Mandarin) or Tamil language if the parents of at least fifteen pupils in the school request; and,
- (e) provides for the teaching of indigenous languages if it is reasonable and practicable to do so and if the parents of at least fifteen pupils request.

A national-type school is either a government or government-aided primary school which:-

- (a) provides primary education for pupils from the age of six years;
- (b) uses the Chinese or Tamil language as the main medium of instruction; and,
- (c) uses the national language, Malay and English language as compulsory subjects of instruction.

On the other hand, a national secondary school is a government or government-aided secondary school. This type of school has the following features. It: -

- (a) provides a five-year course of secondary education for pupils who have completed primary education;
- (b) uses the national language, Malay as the main medium of instruction;
- (c) uses the English language as a compulsory subject of instruction; and,
- (d) makes available facilities for the teaching of: –
 - (i) the Chinese or Tamil language if the parents of at least fifteen pupils in the school request;
 - (ii) indigenous languages if it is reasonable and practicable to do so, and if the parents of at least fifteen pupils request; and,
 - (iii) Arabic, Japanese, German, or French, or any other foreign language, if it is reasonable and practicable to do so; and, prepares pupils for such examinations as may be prescribed, including any such school providing a transition class (Section 2 Education Act 1996).

One may come to a false assumption that linguistic differences have acted to divide the Malays, Chinese, and Indians in Malaysia. A closer examination shows that, for the most part, despite the differences, a common national language seems to have fostered unity among the races. Nevertheless, Malaysia has two separate education system – one that is based on the national system and the other, a separate parallel Islamic stream. According to Musa (2003:70):-

The education dualism of two separate and mutually exclusive streams operating independently is the dilemma facing Malaysia today, especially when the philosophies and goals of the two streams contradict each other. One is essentially secular, the other

religious. One tries to be inclusive and integrative, the other is exclusive and prides on its insularity. The divisive potential of this dualism is finally dawning on policymakers, but because of the powerful symbolism of Islam, the challenge of reconciling the two would be immense. Worse, there has been little or no attempt at doing that.

The constitutional provisions provide that the national language is Malay (Article 152 Federal Constitution). It is also the main medium of instruction in all educational institutions in the national education system (Section 17 Education Act 1996). Yet, the early drafters of the Federal Constitution and the Education Acts recognized the need to protect the interests of each race while promoting national integration via a common language (Tie, 2007). There is a common consensus among the early drafters that the legislative provisions should consider and accommodate the interests of all races.

Both the constitutional provisions in the Federal Constitution and the legislative provisions contained in Education Act 1996 reflect this significant compromise. Consequently, there was common agreement by the past leaders of the nation that the national language need not be the main medium of instruction in a national-type school and in other educational institutions exempted by the Minister of Education. However, under such circumstances, the educational institution must teach the national language as a compulsory subject if the main medium of instruction in the educational institution is other than the national language (Section 17(2) Education Act 1996).

School attendance

The Education (Amendment) Act 2002 made it compulsory for parents to enroll their children in a primary school for six years up to Year Six. The compulsory education law imposed a fine on parents who fail to ensure that their children attend primary school. On the other hand, there is no legislation on school attendance at the secondary school level.

School choice not limited by family income

In Malaysia, free primary education in public school is available for all children. Family income is not a factor that limits school choice in public school. However, there are other factors limiting school choice. For instance, in urban areas, there may be more than fifty pupils enrolled in a class at some primary schools. These primary schools are normally the national-type primary schools that use the Chinese language as the main medium of instruction. Some of these schools have a strong tradition of excellence in academic performance and parents have a strong desire to send their children to this type of school (Tie, 2008). In reality as a result, parents are not able to exercise the freedom to enroll their children in a specific school according to their choice. This is due to the problem of over-crowding in the classroom where the class size of sixty pupils may represent the norm. These schools also face a shortage of qualified teachers. As a result, parents may have no alternative but to send their children to another school that can be far from their home.

The policy of selective admission also limits parental school choice. Some schools select pupils based on a set of criteria that is subjective in nature. These primary schools are very popular among the parents, as they have inherited a strong tradition of academic excellence in public examination, a record of good discipline, school culture, and good leadership. Historically, the missionaries established most of these schools before Malaya became independent from British rule in the 1950s. Many parents are not able to send their children to these special elite schools,

also known as ‘mission schools’, as places are allocated only for children belonging to one ethnic group. This selective discriminative policy also exists at the public secondary school.

On the other hand, profit-oriented private schools limit school choice to parents who have the financial means to enroll their children.

Distinctive characteristics

There are three categories of schools or educational institutions. These are government schools, government-aided schools, and private schools.

The Minister of Education establishes and maintains government schools. The government provides full funding to the government schools. On the other hand, the Ministry of Education provides funding in the form of capital grant and grant-in-aid to government-aided schools rather than full funding. Private schools do not receive any financial assistance from the government (Section 2, Education Act 1996).

A capital grant is a payment from public funds to the school. Government-aided schools use the capital grant to set up new buildings, alter or extend existing premises, purchase furniture or equipment for the new, altered, or extended premises, and other prescribed purposes. On the other hand, grant-in-aid refers to payment from public funds other than a capital grant, made to a school.

Decisions to admit pupils

The Ministry of Education has the absolute power to make decisions concerning the admission of pupils into government and government-aided schools. The State Education Department implements the policy. A set of criteria is set for admission to popular elite schools. A good result in the public examination is one of the criteria to determine admission to the exclusive elite school.

Decisions about staff

Individuals who seek to join the teaching profession in Malaysia can enroll for the diploma in teaching program at the teachers’ training college or the bachelor’s in education program at the universities. Graduates from the teachers’ training college are usually placed in the primary schools while those from the universities are sent by the Ministry of Education to teach in secondary schools. Under the Federal Constitution, the education service forms part of the public service (Article 132 Federal Constitution). Federal law regulates the qualifications for the appointment and conditions of service of staff in the education service. Members of the education service, as civil servants or public servants, hold office during the pleasure of His Majesty the King (Article 132(2A) Federal Constitution). The Ministry of Education is responsible for the selection and appointment of public school teachers into the education service. It has the power to promote teachers and dismiss teachers (Tie, 2005). Decisions made to dismiss teachers by the Education Service Commission must follow the due process of the law provided by the Federal Constitution (Article 135 Federal Constitution). In addition, the Public Officers Regulations (Conduct and Discipline) (Chapter ‘D’) General Orders 1993 also regulates the conduct of teachers in public schools.

Accountability for school quality

The Inspectorate of Schools is fully accountable for maintaining school quality in Malaysia. In October 1956, the Ministry of Education established the Inspectorate of Schools to monitor and ensure a standard of school quality. The Chief Inspector of Schools is responsible for maintaining the standard of teaching and learning in school. School Inspectors visit schools on a regular basis to achieve this purpose. One or more Inspectors can conduct a normal inspection. The duration is from one to two days. The inspection seeks to assess the standard of teaching and learning of specific subjects in school. The inspection and assessment uses a fixed questionnaire or instrument. A report is sent to the Minister of Education based on the finding from the visit. The Minister of Education or the Chief Inspector may order a specific inspection in special circumstances. This may occur when an issue is of public interest or when a school is under investigation for a specific case. One or more Inspectors can conduct the latter type of inspection at any time.

Another purpose of school inspection is to develop and maintain appropriate school standards (Section 117 Education Act 1996). The role and function of the Inspectorate of Schools became very prominent when the government decided to implement the policy of teaching Science and Mathematics on 19 July 2002. The program affected pupils in Year One, Form One, and Lower Six (Upper Secondary). In early 2003, the Inspectorate started to monitor and guide schools to implement the program in a more effective manner. The Inspectorate of Schools worked closely with the schools to ensure the success of the program.

The Chief Inspector and Inspectors of Schools give advice to the governors or persons responsible for the management of an educational institution and to teachers on matter related to teaching and teaching methods (Section 118 Education Act 1996). They do not issue orders to the governors or related persons. The Chief Inspector submits a confidential report on the educational institution to the Minister of Education. The latter has the discretion of making the entire report available to the person who is responsible for the administration of the educational institution or to the teacher (Section 120 Education Act 1996).

The Inspectors of Schools have the following general powers under Section 121 of the Education Act 1996:

- “(a) enter an educational institution at any time;
- (b) require the chairman of the board of governors or a governor or any person responsible for the management of the educational institution or a teacher or employee or person found in the educational institution –
 - (i) to produce for his inspection any time-table, syllabus or record pertaining to subjects taught or to be taught or any book, material, document or article relating to or which in the opinion of the Inspector may relate to the teaching carried on in the educational institution or the management of the educational institution; and,
 - (ii) to furnish the Inspector with such information relating to the teaching in, or the organization of, the educational institution as the Inspector may demand, and which it is within the power of the chairman, governor or such other person responsible for the management of the educational institution, teacher, employee or person to furnish.”

Individuals convicted of committing an offence related to school inspection shall pay a fine not exceeding thirty thousand Ringgit Malaysia or imprisonment not exceeding two years or both (Section 134 Education Act 1996).

Teaching of values

In Malaysia, non-Muslim pupils study Moral Education while Muslim pupils learn Islamic Studies. In 1983, primary schools started to teach Moral Education for 180 minutes a week compared to 120 minutes a week in secondary school. The purpose of Moral Education is to teach pupils to be morally upright. The subject covered 80 values and focused on developing moral thinking, moral feeling, and moral action.

In 2003, the Curriculum Development Center revised the curriculum. The present syllabus covers 36 values. It includes the teaching of democratic values such as freedom of religion and expression; peace and harmony; and patriotic values, a love for and pride in the nation. Moral Education emphasizes the affective, behavioral, and cognitive domains that lead to moral action. In the National Education Development Blueprint 2006-2010 (2006), Moral Education is a core subject. In 2005, pupils in Year Four and Form One started to study Civics and Citizenship Studies. Both subjects strive to increase pupil's awareness of their role and responsibilities in a multi-ethnic and multi-cultural country. The syllabus introduced pupils to the relationship between the individual and society, family, culture, and nation. Pupils participate in community service outside school hours (Lim, 2007).

Conclusion

The regulatory framework that governs the system of education in Malaysia originated from studies of the educational system by various committees set up by the government prior to the country's independence on 31 August 1957. The legislation and regulations have contributed towards enhancing the system of education in the country. To a certain extent, the regulatory framework has succeeded in achieving the objectives of the National Education Policy which strives to develop the full potential of individuals in a holistic and integrated manner so as to produce individuals who are intellectually, spiritually, emotionally and physically balanced and harmonious, based on a firm belief in and devotion to God.

References

- Education Act 1996*. (1996). Kuala Lumpur: International Law Book Services.
- Education (Amendment) Act 2002*. (2002). Kuala Lumpur: International Law Book Services.
- Federal Constitution*. (2003). Kuala Lumpur: International Law Book Services.
- Francis, W H K, & Ee, T H. (1975). *Education in Malaysia*. Kuala Lumpur: Heinemann Educational Books (Asia).
- Home schooling: A need for openness. (2005, May 6). *The Star*. Retrieved October 19, 2007 from http://allmalaysia.info/news/story.asp?file=2005/5/6/people/10786170&sec=mi_people.
- Lim, R. (2007, October 13). Education: Much ado about morals. *The Sunday Star*, p.2 Retrieved October 20, 2007 from <http://thestar.com.my.htm>.
- Musa, Bakri M. (2003). *An education system worthy of Malaysia*. Selangor: Strategic Information Research Development.
- Ministry of Education Malaysia, *National education development blueprint 2006-2010*. (2006). Retrieved October 20, 2007 from <http://moe.gov.my/tayang.php?laman=pipp&unit=kementerian&bhs=en>.
- Tie, F.H. (2005). The legal rights of students and teachers in Malaysia. *International Journal of Education Law and Policy*, 1, p.20-27.
- Tie, F.H. (2007). The educational rights of students in Malaysia. In C.J. Russo, D.J. Stewart, J.D. Groof (Eds.), *The educational rights of students: International perspectives on demystifying the legal issues*. Maryland: Rowman & Littlefield Education, 113-128.
- Tie, F.H. (2008). The law on student discipline in Malaysia. *International Journal of Educational Reform*, 17(2), 107-119.
- Tie, F. H. (2008). Equality of education and dropouts in compulsory education in Malaysia. In J.D. Groof, H.P. Fussel, & G. Lauwers (Eds.), *Inequality in education*. (pp. 183-193). Nijmegen, Netherlands: Wolf Legal Publishers.